UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,589	04/25/2001	John Anthony Bruckner	113748-5764US	8739

27189   7590   04/09/2008
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ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTONotifications@procopio.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-9,11,12,19-21,23-29 and 34-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-9,11,12,19-21,23-29 and 34-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 3, 5-9, 11, 12, 19-21, 23-29 and 34-50 have been considered but are moot in view of the new ground(s) of rejection.

With respect to the rejection of the last office action, Applicant amends claims, discusses the prior arts of record, the claimed invention and the amended claim limitations (see page 18+ of Applicant's Remarks).

In response, Examiner notes Applicant's arguments. Markel clearly fails to teach or disclose that the interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed, "...based on estimates for communication link speed," and "...triggers for a segment corresponding to a particular type of communication link speed..." As discussed below the combination of Barone, Kalluri, Andrade and ATVEF disclose all the claimed limitations as discloses below; "...interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed..." In the same field of endeavor, Markel teaches inserting pre-triggers in a broadcast stream based on estimates for communication link speed and "...triggers for a segment corresponding to a particular type of communication link speed..." (see Markel, figs.1-8,

col.1, line 66-col.2, line 21, line 53-col.3, line 4, col.3, line 36-col.4, line 22, col.6, lines

8-62) teaches said claimed limitations i.e., the pre-fetching of enhancement information

to accommodate access latencies. Latency is inherently dependent upon

communication link speed and/or particular the type of communication link speed. If

there was no latency the downloading of the content would occur instantaneously. It is

the communication link speed and type that determines the access latency, as the time

required to download and access the file is directly related to the download speed and

type of communication. Therefore, Markel's system determines a communication

type/speed, inserts triggers that causing pre-fetching of the enhancement information to

accommodate access latencies, which meets the amended claimed limitations as

discussed below. **This office action is made Final.**

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3,19 and 20 rejected under 35 U.S.C. 103(a) as being

unpatentable over **Barone (US 2005/0005303)** and **Kalluri (US 5,937,331)** in view of

Andrade (2002/0059644), in further view of (ATVEF Specification v1.1 r26) and

further in view of **Markel (6,791,579)**.

Considering claims 1, 19 and 20, **Barone** discloses an interactive enabling system

(20 in figure 3) for managing interactive program content (interactive content--

paragraph 0031, lines 1-5) associated with enhanced program content (enhanced

program--paragraph 0031, lines 1-5) and interactive commercial content (interactive

content--paragraph 0044, lines 1-7) associated with commercial spots (commercial slots

during a particular program--paragraph 0035, lines 7-10), the system comprising:

an interactive enabling device (ITV receiver 20 in figure 3) coupled for receiving a

broadcast stream (TV signal--paragraph 0026, lines 1-8), said broadcast stream

including the enhanced program content (enhanced program- interactive commercial

content--paragraph 0031, lines 1-5 and paragraph 0044, lines 1-7) in series with the

commercial spots (commercial slots during a particular program, 0035,

lines 7-10), the broadcast stream further including commercial pre-triggers (URL link,

trigger, or any other ITV data is pre-inserted/preloaded into the program being

broadcast--paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) and interactive

commercial triggers (embedded commands that instructs ITV receiver to begin

displaying the downloaded content--paragraph 0050, lines 6-8) for retrieving the

interactive commercial content (for preloading/precaching interactive commercial

contents (0044, lines 1-7); and at least one interactive content server (32 in figure 3)

coupled for communicating with an interactive control application in the interactive

enabling device (interactive enabling device, ITV receiver 20 in figure 3, is already

programmed to automatically establish a link with the interactive content server upon

the receipt of any ITV data i.e., interactive commercial triggers (0014, lines 7-12, 0028,

lines 1- 9); where the interactive enabling device (ITV receiver 20 in figure 3) executes

the interactive control application (inherently disclosed as addressed in the limitation

discussed above) to manage the retrieval of the interactive program (corresponding TV

segment) and commercial content (television commercial, 0027, lines 1-6) from the at

least one interactive content server (32 in figure 3) in response to the program and

commercial pre-triggers and make available the interactive program and commercial

content in response to the interactive program and commercial triggers (Desired content

is delivered to ITV receiver from the content server, upon receipt of commercial pre-

triggers/ITV data, and preloaded/precached for subsequent presentation to the user,

0027 and 0029. Then embedded commands/commercial triggers instruct ITV receiver to

begin displaying the downloaded content, 0049 and 0050), wherein the interactive

enabling device (ITV receiver 20 in figure 3) is operable to respond to a commercial pre-

trigger (URL link, trigger, or any other ITV data is pre- inserted/preloaded into the

program being broadcast, 0014, lines 1-6 and 0026, lines 1-8) embedded in the

enhanced program content (the ITV data is embedded in the TV signal, 0043, lines 1-8).

Barone fails to disclose that the broadcast stream further includes program pre-

triggers and interactive program triggers for retrieving the interactive program.

In analogous art, **Kalluri** discloses a broadcast stream (AVI signal) including

program pre-triggers (trigger command for loading the interactive program) and

interactive program triggers for retrieving the interactive program (trigger command for

playing the interactive program--column 2, lines 30-53, column 4, lines 56-67 and

column 5, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Barone's system to include program pre-triggers and

interactive program triggers, as taught by Kalluri, for the benefit of providing end-users

television program associated interactive programming that is controlled by trigger

commands (column 5, lines 21-24).

Barone as modified by Kalluri fail to disclose that the interactive control

application includes a gatekeeper function for selectively retrieving interactive program

and commercial content in response to recognized interactive program and commercial

triggers.

In analogous art, **Andrade** discloses that the interactive control application

includes a gatekeeper function (paragraph 26, lines 1-13) for selectively retrieving

interactive program (interactive TV trigger 112 is used to selectively retrieve an

interactive program and commercial content from the currently tuned to TV broadcast

stream 108, 0020, lines 9-14) and commercial content in response to recognized

interactive program and commercial triggers (paragraph 0028, lines 7-14).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the combined system of Barone and Kalluri to include a gatekeeper

function, as taught by Andrade, for the benefit of selectively retrieving interactive

program and commercial content (paragraph 0020, lines 9-14).

Barone, Kalluri and Andrade disclose an interactive enabling system and

method for managing interactive program and commercial content, but fail to disclose

that the interactive enabling device is configured for receiving and responding to the

program pre-triggers, the interactive program triggers, the commercial pre-triggers, and

the interactive commercial triggers embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other.

In analogous art, (**ATVEF Spec**.) discloses that the interactive enabling device is configured for receiving and responding to the program pre-triggers, the interactive program triggers, the commercial pre-triggers, and the interactive commercial triggers embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other (page 28, paragraphs 7 and 8). When a new enhancement (for exampleminteractive commercial content) is being received at the same time as an existing enhancement (interactive program content) is being displayed, and the new enhancement delivers its first trigger, the client ignores the new enhancement trigger until the existing enhancement has been completed, thereby preventing interactive content overlap and interference.

It would have been obvious to one of ordinary skill in the art to modify the combined system of Barone, Kalluri and Andrade to include preventing interactive content overlap and interference, as taught by (ATVEF Spec.), for the benefit of allowing the viewer to complete the existing enhancement without any interruption.

Barone, Kalluri, Andrade and ATVEF Spec., fail to disclose "...pre-triggers for a segment corresponding to a particular type of communication link speed..."

In analogous art, **Markel** discloses that the interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in

advance of when the interactive program and commercial content is needed, based on estimates for communication link speed (figs.1-8, col.1, line 66-col.2, line 21, line 53-col.3, line 4, col.3, line 36-col.4, line 22, col.6, lines 8-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone and Kalluri to include insertion of pre-triggers based on communication link speed, as taught by Markel, for the benefit of understanding bandwidth constraints and determining the insertion rate.

With regards to claims 3 and 21, the combinations further disclose the claimed limitations. In particular, Andrade discloses that the interactive enabling device retrieves the interactive program (paragraph 0020, lines 9-14) and commercial content (paragraph 0028, lines 7-14) from the at least one interactive content server through a communication link or assembled from information in the broadcast stream (paragraph 0038, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of to include a communication link, as taught by Andrade, for the benefit of retrieving the interactive program and commercial content from the interactive content server (paragraph 0038, lines 1-13).

4.   Claims 5 - 7 and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barone (2005/0005303)** and **Kalluri (5,937,331)** in view of **Andrade (2002/0059644)** and (**ATVEF Specification v1.1 r26**) and **Markel (6,791,579)**, as applied to claims 1 and 19 above, and further in view of **Zigmond (6,698,020).**

Considering claims 5 and 23, Barone, Kalluri, Andrade and ATVEF Spec. and

Markel disclose an interactive enabling system and method for managing interactive

program and commercial content.

Barone, Kalluri, Andrade and ATVEF Specification v1.1 r26 fail to disclose an

agreement between broadcasters and program or commercial sponsors for selecting

and displaying interactive program and commercial content.

In analogous art, **Zigmond** discloses that the said gatekeeper is configured to

recognize the interactive program and commercial triggers based on agreements

between broadcasters and program or commercial sponsors (column 8, lines 55-64).

It would have been obvious to one of ordinary skill in the art to modify the combined

system of Barone, Kalluri, Andrade, ATVEF Spec. and Markel to include an agreement

between broadcasters and program or commercial sponsors, as taught by Zigmond, for

the benefit of having the ability to specifically target viewers (column 8, lines 58-60).

As for claims 6 and 24, it is met by the combination of Barone, Kalluri, Andrade,

ATVEF Spec., Markel and Zigmond. In particular, Zigmond discloses that the

gatekeeper is configured to recognize the interactive program and commercial triggers

based on parameters embedded within the interactive program and commercial triggers

(column 12, lines 15-32).

With regards to claims 7 and 25, it is met by the combination of Barone, Kalluri,

Andrade, ATVEF Spec., Markel and Zigmond. In particular, Zigmond discloses

that the gatekeeper is configured to recognize the interactive program and commercial

triggers based on parameters maintained within the interactive enabling device (column

12, lines 15-32).

5.   Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable **Barone (2005/0005303)** and **Kalluri (5,937,331)** in view of **Andrade**

(2002/0059644), (ATVEF Specification v1.1 r26) and **Markel (6,791,579)**, as applied

to claims 1 and 19 above, and further in view of **Zigmond (6,330,719).**

Regarding claim 8, Barone, Kalluri, Andrade, ATVEF Spec., and Markel disclose

the claimed limitations. In particular, Barone discloses a plurality of additional interactive

enabling devices (ITV receivers (0044, lines 1-7) in addition to said interactive enabling

device (ITV receiver 20 in figure 3), each of said plurality of additional interactive

enabling devices coupled for receiving a broadcast stream (TV signal, 0026, lines 1-8).

Barone further discloses interactive program (interactive content for a corresponding TV

program, 0031, lines 1-5) and commercial pre-triggers inserted into the broadcast

stream (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the

program being broadcast, paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) for

retrieving the interactive program (corresponding TV segment) and commercial content

(television commercial, paragraph 0027, lines 1-6).

Barone, Kalluri, Andrade, ATVEF Spec., and Markel fail to disclose a

randomizer for randomly time-skewing the retrieval of the interactive program and

commercial content in response to the interactive program and commercial pre-

triggers.

In analogous art, **Zigmond** discloses a randomizer (interactive television

receiver unit browser, col.2, line 27 and column 8, lines 65 - column 9, lines 7) for

randomly time-skewing the retrieval of the interactive program and commercial content

in response to the interactive program and commercial pre-triggers (column 2, lines 26-

30 and 47-56 and column 4, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combined system of Barone, Kalluri, Andrade, ATVEF

Spec. and Markel to include a random time-skewing, as taught by Zigmond, for the

benefit of eliminating throughput bottlenecks by spreading accesses of a destination out

over time (column 2, lines 47-56).

Considering claim 26, it is rejected for the same reasons as discussed in claims

9 and 12.

6.   Claims 9, 11, 27, 28, 34 - 42 and 45-47 are rejected under 35 U.S.C.

103(a) as being unpatentable over **Barone (2005/0005303)** in view of **Kalluri**

(5,937,331) and further in view of **Markel (6,791,579).**

Considering claims 9, 27, 34-38, 40, 41 and 45-47, **Barone** discloses an

interactive enabling system (20 in figure 3) for managing interactive program content

(interactive content, 0031, lines 1-5) associated with enhanced program content

(enhanced program, 0031, lines 1-5) and interactive commercial content (interactive

content, 0044, lines 1-7) associated with commercial spots (commercial slots during a

particular program--paragraph 0035, lines 7-10), the system comprising:

an interactive enabling device (ITV receiver 20 in figure 3) coupled for receiving

a broadcast stream (TV signal--paragraph 0026, lines 1-8) generated by a broadcast

sponsor and for responding to commercial pre-triggers inserted into the broadcast

stream (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the

program being broadcast--paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) for

retrieving the interactive program (corresponding TV segment) and commercial content

(television commercial, 0027, lines 1-6) in advance of when the content is needed

(before the corresponding TV segment will be broadcast (0026, lines 5-8), said

broadcast stream including the enhanced program content (enhanced program-

interactive commercial content--paragraph 0031, lines 1-5 and (0044, lines 1-7) and the

commercial spots (commercial slots during a particular program--paragraph 0035, lines

7-10); and at least one interactive content server (32 in figure 3) coupled through a

communication link for communicating with an interactive control application in the

interactive enabling device (interactive enabling device, ITV receiver 20 in figure 3, is

already programmed to automatically establish a link with the interactive content server

upon the receipt of any ITV data i.e., interactive commercial triggers--paragraph 0014,

lines 7-12, paragraph 0028, lines 1-9); wherein the interactive enabling device (ITV

receiver 20 in figure 3) executes the interactive control application (inherently disclosed

as addressed in the limitation discussed above) to manage the retrieval of the

interactive program (corresponding TV segment) and commercial content (television

commercial--paragraph 0027, lines 1-6) in response to the commercial pre-triggers (the

ITV data, which can be a simple trigger or other command that commands the ITV

receiver to retrieve some interactive content, paragraph 0027, lines 1-6); and

wherein the interactive enabling device (ITV receiver 20 in figure 3) is operable to

respond to a commercial pre-trigger (URL link, trigger, or any other ITV data is pre-

inserted/preloaded into the program being broadcast, paragraph 0014, lines 1-6 and

paragraph 0026, lines 1-8) embedded in the enhanced program content (the ITV data is

embedded in the TV signal--paragraph 0043, lines 1-8).

Barone fails to disclose that the broadcast stream further includes program

interactive pre-triggers for retrieving the enhanced program content.

In analogous art, **Kalluri** discloses a broadcast stream (AVI signal) including

interactive program pre-triggers (the interactive program trigger is pre-inserted into the

broadcast stream) for retrieving the interactive program (see column 2, lines 30-53,

column 4, lines 56-67 and column 5, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Barone's system to include interactive program pre-

triggers, as taught by Kalluri, for the benefit of providing end-users television program

associated interactive programming that is controlled by trigger commands (column 5,

lines 21-24).

Barone and Kalluri fail to disclose that the interactive pre-triggers are inserted

into a broadcast stream based on estimates for communication link speed and where

"...each pre-trigger of the multiple pre-triggers for a segment corresponding to a

particular communication link speed..."

In analogous art, **Markel** discloses that the interactive enabling device is

configured for receiving interactive program and commercial pre-triggers that were

inserted into the broadcast stream by the broadcast sponsor at a specific time in

advance of when the interactive program and commercial content is needed, based on

estimates for communication link speed (figs.1-8, col.1, line 66-col.2, line 21, line 53-col.3, line 4, col.3, line 36-col.4, line 22, col.6, lines 8-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone and Kalluri to include insertion of pre-triggers based on communication link speed, as taught by Markel, for the benefit of understanding bandwidth constraints and determining the insertion rate.

With regards to claims 11 and 28, it is met by the combination of Barone, Kalluri and Markel. In particular, Markel discloses the interactive enabling device includes a list of approved pre-triggers; and wherein the interactive control application enables the retrieval of the interactive program and commercial content only if codes embedded in the interactive program pre-triggers and commercial pre-triggers match the codes in the list of approved pre-triggers (column 3, lines 52-57 and column 6, lines 44-47).

As for claim 39, it is met by the combination of Barone, Kalluri and Markel. In particular, Barone discloses that the said interactive enabling device (ITV receiverm20 in figure 3) is configured to respond to said interactive commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast, paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) by executing said interactive control application to manage the retrieval of interactive commercial content that is specified by the interactive commercial pre-trigger during a time when the interactive enabling device is receiving the enhanced program content (enhanced program -interactive commercial content (0031, lines 1-5 and paragraph 0044, lines 1-7) in the broadcast stream (paragraph 0015, lines 6-11 and paragraph 0036, lines 1-7).

Considering claim 42, it is met by the combination of Barone, Kalluri and Markel. In particular, Barone discloses that the interactive commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast, 0014, lines 1-6 and paragraph 0026, lines 1-8) occurs earlier in the broadcast stream than a commercial spot of the commercial spots that is associated with the interactive commercial pre-trigger (see figure 2b and paragraph 0026, lines 1-8).

7.   Claims 12, 29, 43, 44 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable **Barone (2005/0005303)** and **Kalluri (5,937,331)** in view of **Markel (6,791,579)**, as applied to claims 9 and 27 above, and further in view of **Zigmond (6,330,719).**

Regarding claim 12, Barone, Kalluri and Markel disclose the claimed limitations. In particular, Barone discloses a plurality of additional interactive enabling devices (ITV receivers, 0044, lines 1-7) in addition to said interactive enabling device (ITV receiver-- 20 in figure 3), each of said plurality of additional interactive enabling devices coupled for receiving a broadcast stream (TV signal, paragraph 0026, lines 1- 8). Barone further discloses interactive program (interactive content for a corresponding TV program (0031, lines 1-5) and commercial pre-triggers inserted into the broadcast stream (URL link, trigger, or any other ITV data is pre- inserted/preloaded into the program being broadcast, 0014, lines 1-6 and paragraph 0026, lines 1-8) for retrieving the interactive program (corresponding TV segment) and commercial content (television commercial,

0027, lines 1-6).

Barone, Kalluri and Markel fail to disclose a randomizer for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers.

In analogous art, Zigmond discloses a randomizer (interactive television receiver unit browser--column 2, line 27 and column 8, lines 65 - column 9, lines 7) for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers (column 2, lines 26- 30 and 47-56 and column 4, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone, Kalluri and Markel to include a random time-skewing, as taught by Zigmond, for the benefit of eliminating throughput bottlenecks by spreading accesses of a destination out over time (column 2, lines 47-56).

Considering claim 29, it is rejected for the same reasons as discussed in claims 9 and 12.

As for claim 43, it is met by the combination of Barone, Kalluri, Markel, and Zigmond. In particular, Zigmond discloses that the randomizer (interactive television receiver unit browser, column 2, line 27 and column 8, lines 65 - column 9, lines 7) randomly time-skews a beginning of a retrieval of interactive commercial content that is specified by the interactive commercial pre-trigger within an allotted time window (column 2, lines 26-56 and column 4, lines 24-34).

With regards to claim 44, it is met by the combination of Barone, Kalluri, Markel, and Zigmond. In particular, Zigmond discloses that the time window is a time period (period of time, col.2, lines 27-28 and column 4, lines 13-31) during which the interactive enabling device (interactive television receiver unit, column 8, lines 48-57) and each of the additional interactive enabling devices receive the enhanced program content in the broadcast stream (column 4, lines 47-64).

Regarding claim 48, it is rejected for the same reasons as discussed in claims 9 and 43.

Considering claims 49 and 50, they are rejected for the same reasons as discussed in claims 9 and 12.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

9.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to ANNAN Q. SHANG whose telephone number is

(571)272-7355. The examiner can normally be reached on 700am-400pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/
Primary Examiner, Art Unit 2623